



LANCASTER COUNTY SHERIFF'S OFFICE POLICIES AND PROCEDURES

Subject EVIDENCE	Date 05/10/2016	Section No. 480	Page No. 1 of 18
Amends Section No.480 dated 11/10/2011	Rescinds	Re-evaluation Date	
Reviewed		07/01/2017	

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE A CONTRACT BETWEEN THE EMPLOYEE AND THE LANCASTER COUNTY SHERIFF'S OFFICE. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THE FOLLOWING PARAGRAPHS CREATE ANY CONTRACTUAL RIGHTS.

I. PURPOSE

The purpose of this policy is to establish the rules and methods for collecting, transporting, storing, and disposing of property acquired in the course of law enforcement operations.

II. POLICY

It is the policy of the Lancaster County Sheriff's Office to provide for the collection and secure storage of all evidence for possible presentation in judiciary proceedings. The correct handling of evidence is governed by rules of evidence established in court decisions and must represent standardized procedures practiced by all deputies. Except in extreme circumstances, no variance from the procedures listed below will be permitted.

III. DEFINITION OF TERMS (as used in this directive)

- Evidence:* Any object or item related to a crime that may be used in a subsequent judicial proceeding.
- Safekeeping:* Any item that would require temporary storage by the evidence function until such time the owner can take custody of it. This may include items of specific value that are found as lost or abandoned which can be returned to the rightful owner or otherwise handled with appropriate documentation.
- Chain of Evidence:* The proper transferring of evidence from one person to another as defined by the courts. The chain of evidence includes the proper documentation on an Evidence Form, the proper marking of the evidence so that it can be positively identified and providing for secure storage of the evidence.

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Vehicle Inventory: The detailed written description of property within the interior and trunk of a vehicle. Deputies should inventory all vehicles that have been seized incident to arrest and those vehicles that have been impounded by the Sheriff's Office.¹

Found Property: Any lawful item of property, the control of which is assumed by the deputy for the purpose of returning the property to its rightful owner, whether the owner is known or unknown.

Confiscated Property: Any item of property seized by a deputy that does not meet the criteria above for evidence or found property. Confiscated property should be treated as evidence.

IV. PROCEDURE

A. Crime Scene Responsibility²

1. First Deputy on the Scene

- a. Protection of the crime scene is the responsibility of the first deputy on the scene and remains with that deputy until properly relieved of that responsibility by an investigator or superior officer. The goal of preserving the crime scene is to keep the site in the same physical condition as left by the perpetrator. The first deputy shall have the following responsibilities after the scene is secure:
 - Provide for emergency medical assistance, as needed;
 - Observe and record relevant data;
 - Determine the nature and extent of the crime scene; and
 - Document on the Crime Scene Entry Log any action taken at the crime scene, to include all persons entering and exiting the scene.
- b. If the crime scene requires processing, the scene shall be secured and a perimeter established. The on-call Investigator and/or Crime Scene Investigator shall be notified to respond to the incident location, if necessary.³ This decision shall be made by the supervisor responsible for the incident, a District Commander or a member of the Command Staff.

¹ See LCSO Policy 271

² CALEA 83.2.1

³ CALEA 83.1.1

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- c. Access to the crime scene shall be strictly limited to necessary and involved personnel. All persons entering the crime scene shall be recorded on a Crime Scene Entry Log. If there is no critical on-scene processing necessary, the deputy may take pictures, fingerprints, and collect any items of evidence. The Crime Scene Entry Log shall be the responsibility of the patrol deputy or their supervisor unless relieved by a detective or superior officer.
- d. All physical evidence shall be properly marked, and/or labeled. Items that may be cross-contaminated should be packaged separately. The package should be labeled to identify the item contained in the package. In addition, all packaged evidence shall be labeled with the assigned case number.

2. Forensic Services

- a. All major crime scenes shall be thoroughly processed to include collection and preservation of evidence. Assistance may be requested from the South Carolina Law Enforcement Division (SLED), if necessary. Only a Command Staff member may authorize a request for SLED assistance.
- b. The Investigator processing the scene shall complete a supplementary Crime Scene Report. The report should contain the following, if available, but is not limited to⁴:
 - Case number, offense;
 - Victim(s);
 - Location of Incident;
 - Time when the call was received, time of arrival, and time of departure;
 - A listing of any evidence found at the scene;
 - Point of entry and exit;
 - How entry was made; and
 - Any remarks and/or sketches of the crime scene investigator.

⁴ CALEA 83.2.6

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B. Evidence Tags and Paperwork

All deputies transferring evidence and/or property to the property room must complete an Evidence form as required by the Evidence Custodian. Failure to complete the required paperwork may result in the property and/or evidence not being entered into agency records. Missing and/or carelessly written paperwork makes successful prosecution difficult, and sometimes impossible.

1. Evidence Tags

The first deputy or citizen that collects the evidence shall be placed on the line "obtained by". Each person who has possession of the evidence shall sign the evidence tag or Property Sheet.

2. Evidence/Property Sheet⁵

- a. A Property Sheet shall be completed on any and all evidence or property transferred to the property room. A detailed description of each item shall be included, along with a description of where the property was obtained. The Property Sheet shall be marked with the date and time the property was received by the deputy.
- b. The chain of custody must be shown with the date and time of any turnovers. The number of persons in the chain should be kept at a minimum.
- c. Extra security measures shall be taken for handling and storage of exceptional, valuable, or sensitive items of property⁶.

C. Collection of Evidence ^{7 8}

1. Use of Video / Photography

After a preliminary crime scene survey has been accomplished, the deputy shall determine if photographs are required. If required, photos should be taken from all angles. At a minimum, the photos should show where entry was made, any damage to property or vehicles and the location of any physical evidence that will be collected.

⁵ CALEA 84.1.1 c

⁶ CALEA 84.1.1 e

⁷ CALEA 84.1.1 d

⁸ CALEA 83.3.2 b

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2. Latent Fingerprint Search⁹

- a. A deputy must concentrate his/her efforts on physical evidence that may connect a suspect to a crime. Fingerprints are positive and specific and establish beyond a reasonable doubt the presence of a suspect at the scene of a crime or of his handling or touching of a weapon or other object related to a crime.
- b. The point of entry should be thoroughly searched to locate latent prints. If entry is gained through a window, the glass pane, window casing, windowsill and window frame should be carefully examined. Broken glass or small fragments may contain identifiable fingerprint patterns.
- c. Latent impressions developed with fingerprint powder should be lifted and placed on a latent print card and the print card shall be completed. A sketch or photograph may be made to show the location where the latent print was lifted. The lift card should contain the case number, date, time, location from which the print(s) was taken and who lifted the print(s). During the fingerprinting process, precautions should be taken so that the victim's property is not damaged.
- d. When processing for latent prints, consideration must be made for the size of the item to be dusted, the type of surface, and potential for destruction if moved. If movement or transporting the object will destroy latent prints, the object should be processed at the scene. Small items that can be carefully placed in a paper bag may be transported to the Lancaster County Sheriff's Office for processing, if there is a minimal likelihood of destroying the prints.

3. Seizure of Computer Equipment¹⁰

- a. Computer equipment can be severely damaged or data lost due to improper shutdown procedures. Computer equipment that is in operation should NOT be shut down from the desktop. The power source should be unplugged from the wall outlet. Computers can be pre-programmed to destroy data if proper procedures are not followed. Deputies unskilled in computer operation should not try to restart equipment that is already shut down. Deputies should contact their supervisor for assistance.

⁹ CALEA 83.2.3

¹⁰ CALEA 83.2.5

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- b. Computer hardware and software may be damaged when exposed to extreme temperatures. Deputies should therefore handle this equipment carefully and transport to Evidence/Property as soon as possible.

4. Seizure of firearms

- a. All firearms (pistols, rifles, shotguns, etc) obtained for any reason will have a National Crime Information Center (N.C.I.C.) check made and an original of the teletype will be attached to the evidence/property sheet along with a copy of the incident report.
- b. If there is not a serial number on the firearm, it will be noted on the evidence receipt. A detailed description of the weapon to include, make, model, caliber, serial number and condition will be reflected on the evidence receipt.
- c. All ammunition will be separated from the weapon and placed in a separate evidence bag.
- d. All firearms will be unloaded before being placed into evidence. If the weapon cannot be unloaded, the Supervisor will be notified immediately. The Supervisor **must** be sure the Evidence Custodian is advised of the loaded weapon.
- e. All firearms, if possible, will be secured with the action open using zip ties. Deputies shall place the zip tie through the action only. Do **not** place the zip tie through the barrel of the firearm.
- f. Weapons will be secured by the Evidence Custodian in a locked evidence storage room.
- g. All seized firearms shall be packaged separately from any other type of evidence.
- h. If the firearm contains blood or tissue evidence, the deputy shall notate this on the outside of the evidence bag and mark it biohazard.
- i. The Evidence Custodian shall have a National Crime Information Center (N.C.I.C.) check made on all firearms that are returned to the owner. An N.C.I.C. criminal history will be ran on the person receiving the firearm to ensure they are not prohibited from possessing a firearm. Under no circumstances will a firearm in agency custody be transferred to a person prohibited from possessing a firearm. Additional checks and investigation may be conducted, as necessary, to ensure compliance with this directive.

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The originals of paperwork involved with these checks will be attached to the supplemental report and forwarded to the Records Section.

5. Blood Clothing/Fabrics Items

- a. Wet items shall not be placed in a plastic bag as this causes rapid decomposition and destroys the evidence. The items must be air dried, without the assistance of fans or direct heat application, as this action destroys potential evidence.
- b. If the Deputy obtains wet clothing (from blood or serological evidence) that Deputy will immediately notify his/her Supervisor. The Supervisor will contact the on-call Crime Scene Investigator. The Deputy shall have the evidence tags ready to be turned in along with all necessary paperwork. All evidence shall be turned in before the end of the Deputy's tour of duty.
- c. The clothing will be marked using an evidence tag with the initials, time and date by the seizing officer. Once the clothing has dried, it should be placed in a paper bag or cardboard box.
- d. Do not staple or tape the evidence tag to any type of cloth.
- e. Blood collected in vials must be refrigerated immediately.

6. Sexual Assault Evidence

- a. One piece of evidence per container/ bag.
- b. Each piece of evidence will have an evidence tag or label.
- c. Evidence requiring refrigeration (collection kits) must be processed and stored at once.
- d. Notify the Crime Scene Unit Personnel or Evidence Custodian of any sexual assault evidence by submitting the evidence/property receipt to the Crime Scene Unit Personnel or Evidence Custodian before the end of the deputy's tour of duty.

7. Perishable Items

- a. Perishable evidence such as meats, live plants, etc. will only be seized when the preservation of such items is vital to the investigation and prosecution of a case. If seizing the perishable item is not vital, the deputy shall take a photograph of the item and the item will be returned to the owner or destroyed. The photograph shall be downloaded into Mobile/LERMS.

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- b. Blood or sexual assault evidence will be refrigerated as soon as possible. The evidence receipt will be provided to the Evidence Custodian, reflecting any requested examinations.
- c. Coordination with the Solicitor's Office (by Evidence Custodian) on General Session's offenses must be made to insure they are aware of the perishable evidence so that they can prepare for the storage of such items so that they will not disintegrate.
- d. Marijuana plants must be packaged in a paper bag so that they will not disintegrate upon storage.

8. Money Evidence

- a. Money will be described on the Currency Inventory form based on denominations; i.e. US Currency, \$46.00, consisting of two (2) twenty dollar bills, five (5) one dollar bills and ten (10) dimes). Unless there is a specific reason, serial numbers are not required on the Currency Inventory form.
- b. Any unusual markings on the money will be noted.
- c. Money taken as evidence will be counted by the seizing deputy and a supervisor. The money will be sealed in a plastic tamper proof evidence bag, marked with the seizing deputy's initials, time and date and initialed by the supervisor.
- d. Any large amounts of money (over \$100.00), that are seized and forfeiture proceedings are anticipated, the above procedure will be followed and copy of all paperwork, to include evidence receipt, forfeiture documentation and a copy of the incident report, will be sent to the Staff Attorney before the end of the deputy's tour of duty for review.
- e. All seized money that is not evidence shall be deposited weekly to the Lancaster County Treasurer by the Evidence Custodian.

9. Drug Evidence

- a. All drug evidence must be packaged separately from any other type of evidence.
- b. For analysis purposes, marijuana must be packaged separately from any other type of drug.

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- c. A SLED Best Evidence Sample Testing (B.E.S.T) Kit shall be completed for any drug evidence, except for marijuana, for which analysis is requested. For B.E.S.T Kit submissions to evidence, at a minimum, a form B and the "SLED Drug Analysis Request" form will be completed. On the lines provided on the forms for specimen/substance description, use the following designations:
 - "Tablets or Capsules" for any type of pills;
 - "Rock Substance" for suspected crack cocaine; avoid describing by color or by number
 - "Powder Substance" for suspect powder cocaine, heroin, methamphetamine, etc. Avoid using color descriptions
 - Liquids for liquid substances
 - Syringes for substances contained in a syringe (i.e. "syringe containing liquid" or "syringe empty")
- d. Syringes must be secured in a syringe tube prior to placement in a B.E.S.T. Kit.
- d. Package **green** or wet plant material (suspected marijuana that is fresh plant growth, not dried sample) and psilocybin-containing mushrooms in brown paper bags to prevent degradation.

Seized prescription medications or any other type pills, tablets, capsules shall be counted by the submitting deputy and the count for each type pill/tablet/capsule shall be indicated on the evidence bag and the evidence submission form.

10. Clandestine Laboratory Evidence

- a. Deputy's should immediately notify their supervisor that a clandestine laboratory has been located so that the proper agencies can respond. Agencies that may be notified include, but are not limited to, SLED, DHEC and the Lancaster City Fire Department.
- b. The surrounding areas should immediately be evacuated with due regard for public safety.
- c. Pursuant to state and federal laws, and the Lancaster County Sheriff's Office policy, only authorized individuals shall process and/or collect evidence samples at the scene.
- d. No site containing hazardous chemicals will be processed unless certified personnel are at the scene

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11. Found Property¹¹

1. Found property should be treated as evidence. Deputies recovering found property should make a reasonable attempt to locate the owner before ending his/her tour of duty. All found property turned in to any employee of the Lancaster County Sheriff's Office will be documented on an incident report. Once the property owner is found, a property receipt form shall be completed. If the owner is not found before the end of the deputy's tour of duty, the found property will be submitted during normal business hours to the Evidence Custodian. After hours, the property will be submitted as found property in the evidence lockers with an evidence receipt.
2. Deputies taking reports of large items of found property of value (i.e. scooters, ATVs, lawnmowers, etc.) for which the owners cannot be immediately identified should place the item in the Impound Lot. The item must be marked with an evidence tag and an Evidence Submission Form will be completed and turned over to the Evidence Custodian. Found bicycles may be tagged and placed in the evidence packaging area inside the CSI/Evidence Building.
3. In accordance with South Carolina Code of Laws Section 27-21-20, if property has been recovered and ownership is ascertained, the Evidence Custodian must notify its owner as provided below.
 - a. The Evidence Custodian must provide notice within fifteen days;
 - b. By registered mail, return receipt requested;
 - c. Describing the property and including an identifying serial number if available; and
 - d. Advising the owner that the property may be sold at auction pursuant to South Carolina Code of Laws Section 27-21-22 if not reclaimed within sixty days of mailing the notice.
4. If, after diligent efforts the owner of the property cannot be ascertained, or if the property is not reclaimed or sold at public auction, the Evidence Custodian may dispose of any recovered stolen or abandoned property as provided below.
 - a. Property that is not suitable for sale, including, but not limited to, clothing, food, prescription drugs, weapons, household cleaning products, chemicals or other items that appear nonusable, including but not limited to:

¹¹ CALEA 84.1.1 f

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- Electronic components that appear to have been skeletonized, where parts have been removed and are no longer in working order; or
- Items that have been broken up and only pieces exist may be destroyed by the Evidence Custodian.

- b. The Sheriff may use any property recovered by his/her jurisdiction if the property is placed on the Sheriff's Office inventory as property of the Sheriff's Office¹².
5. The Sheriff may turn over to any organization exempt from tax under South Carolina Code of Laws Section 501(c)(3) of the Internal Revenue Code of 1986, items of abandoned or recovered property that may be used for the betterment of that organization. However, the accrued value of the items given to an individual organization as provided above by the Sheriff shall not exceed a value of one thousand dollars (\$1000) in the Sheriff's Office fiscal year.
6. The agency shall maintain a permanent record of all property recovered pursuant to this section and its disposition.

D. Collection of Known Standards for Comparison¹³

1. When the following types of physical/trace evidence are collected from a crime scene, a known standard sample should be collected for comparison, whenever possible: blood; hair; fibers; paint; wood; metal; soil; footwear/prints. This may require the issuance and execution of a search warrant or consent.
2. The location of the samples should be documented on the lab request report, to include the case number, date, time, location, and who collected the evidence.
3. Standards for comparison should be collected by investigators or qualified medical personnel.

E. Packaging and Marking of Evidence¹⁴

1. There are several different types of packaging materials that can be used such as; plastic bags, paper bags, envelopes, boxes, and string. The packaging materials should come as close to fitting the object as

¹² CALEA 84.1.4

¹³ CALEA 83.2.1

¹⁴ CALEA 83.2.1

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possible. This makes the evidence appear neater when used in court and provides for easier storage.

2. Patrol Shift Supervisors shall keep a supply of plastic bags, paper bags, envelopes, boxes and string for the collection of evidence.

F. Responsibility and Conditions for Submitting Evidence to the South Carolina Law Enforcement Division (SLED) Forensic Laboratory

1. In the event the examination cannot be conducted by the personnel of LCSO, the Evidence Custodian and/or a member of the Crime Scene Unit Personnel shall be responsible to submit items to SLED for necessary examination and processing (i.e., Ballistics Testing, fingerprint examination, Blood Scans, etc.)¹⁵.
2. The items to be transported to the lab shall be signed out of the Property Room. The Evidence Custodian or member of the Crime Scene Unit Personnel charged with the custody of evidence, or potential evidence, shall insure that no person has the opportunity to tamper with said evidence. The Evidence Custodian or Deputy shall complete any necessary SLED form(s). A copy of the incident report shall be attached to the SLED form¹⁶. Items may be transported to SLED on a weekly basis, depending on the urgency of the results. Evidence shall be packaged with proper documentation.
3. To ensure proper chain of custody, SLED should provide to the transporting officer a signed receipt for any evidence relinquished to the forensics laboratory. The signed receipt shall then be returned to the Evidence Custodian for processing¹⁷.
4. SLED shall submit a written report detailing their findings to the LCSO. This report should be placed in the case file¹⁸.

G. Evidence and Property Storage

1. All evidence and/or property shall be submitted to the Property Room, with the proper paperwork, prior to the end of the deputy's tour of duty. No evidence shall be stored in personal lockers, vehicles, offices, cubicles, or any other location after the deputy ends his/her tour of duty¹⁹.

¹⁵ CALEA 83.3.2 a

¹⁶ CALEA 83.3.2 c

¹⁷ CALEA 83.3.2 d

¹⁸ CALEA 83.3.2 e

¹⁹ CALEA 84.1.1b

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2. Any physical evidence collected shall be transported to LCSO Headquarters and turned over to the evidence function. A secured drop area shall be available when the Property Room is closed. Only the Evidence Custodian or Crime Scene Unit personnel can open a secured evidence locker.
3. If the Property Room is closed and any of the following circumstances exist, the Crime Scene Unit Investigator, or if unavailable the Evidence Custodian, shall be called to Headquarters to secure the property:
 - The item is too large to secure in the storage locker;
 - All of the lockers are filled or locked;
 - The item requires refrigeration and the temporary evidence refrigerator has been secured;
 - The item includes currency valued in excess of \$5,000; or
 - Any other situation, at the discretion of a supervisor.

H. Security of Evidence and Property Storage Areas²⁰

1. All evidence and property submitted to the Property Room shall be inventoried, packaged, and labeled for storage. Evidence shall be packaged to protect the integrity of the evidence and avoid contamination. Guidelines for packaging are available in the SLED Evidence Manual.
2. All evidence storage areas shall be secure. Evidence storage areas shall remain locked at all times.
3. Located within the LCSO temporary evidence storage area shall be a secure area for any property requiring refrigeration. Extra security measures shall be taken when storing sensitive items, such as narcotics, weapons, and/or monies.
4. Access to the evidence storage areas shall be strictly limited. Keys shall be given only to the Evidence Custodians. Personnel shall not be allowed in the Evidence Room for any reason without an Evidence Custodian present. **Authorized persons entering the evidence storage areas shall sign a log indicating their name, date, time, and purpose for entry.**

²⁰ CALEA 84.1.2

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I. After Hours Evidence Lockers

1. The intent of the evidence lockers that have been installed in the evidence packaging room is for temporary evidence storage only. The lockers are to be used only when there is no one in the Evidence function to take direct custody of the evidence/property. For chain of custody purposes, it is always best to personally deliver the evidence to the evidence custodian or a member of the crime scene unit.
2. From left to right, the evidence lockers are marked with numbers 1-4. Each evidence locker has two drawers for storage of smaller items. When you have a piece of evidence to be stored in the evidence lockers, please start with the first available evidence locker to the left. If the item is small enough to be placed in one of the drawers:
 - place the item in the top drawer
 - lock the drawer
 - drop the key to the drawer in the drop slot on the door
 - leave the door to main storage compartment unlocked and available for another piece of evidence
3. If during the course of your shift, you have already had to lock the main door on the evidence locker, go to the next evidence locker available and use the same process (drawers first if possible, then main storage compartment). Every time you lock a drawer or main door, place the key in the key drop. Note in the incident report, how and where the evidence was secured. The drop slot in the door is ONLY for keys and items of evidence should NOT be placed in the slot
4. The main storage compartment of each evidence locker is equipped with a pistol rack and long gun supports. Please utilize these features when placing a firearm in the locker.
5. The below guidelines should be used for specific types of evidence/property:
 - Do not place any item/object that is soaked with any type of biological fluid (blood, semen, urine, vomit, etc.) into the evidence locker or drop box. This type of evidence will still need to be delivered to a member of the Evidence function for proper handling and storage.

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- Items that contain serological evidence that have been sufficiently dried and correctly packaged may be placed in an available space in the evidence lockers. (i.e. air dried DNA swabs must be packaged in paper.)
 - Latent Prints - If you place an item into the evidence lockers that you want processed for latent prints, place a note on top of the item that will be clearly seen by the member of the Evidence and Crime Scene Unit that will be unloading the lockers. The note should say "DO NOT TOUCH" OR "LATENT PRINTS."
 - DO NOT PLACE ANY COMBUSTIBLES/ FLAMMABLES IN THE EVIDENCE LOCKERS (chemicals, gas containers, any flammable liquids or items/objects containing flammable liquids). If an item needs processing and the responding Deputy/Supervisor cannot process the item, the Supervisor should notify the on-call crime scene investigator.
6. Should the occasion arise when there are no storage lockers available, the on-call crime scene investigator will be notified. If you cannot reach the on-call crime scene investigator, the Lieutenant of the Crime Scene Unit shall be notified. A member of the Evidence function will respond to the Lancaster County Sheriff's Office and will secure the evidence and clear evidence from the evidence lockers.
7. The required paperwork must accompany the piece of evidence or property placed in the evidence locker or drawer.

J. Records Maintenance

1. All property shall be logged into agency records as soon as possible²¹. Generally, the Evidence Custodian should clear out the temporary storage lockers daily on work days.
2. Records, whether computerized or in hard copy form, shall reflect the status of all property held by the Sheriff's Office. Evidence Custodians shall document the location of the property in the storage room(s); the date and time when the property was received or released; character, type, and amount of property on hand; and the chain of custody from the time the property was stored until its destruction or other final disposition²².

²¹ CALEA 84.1.1a

²² CALEA 84.1.5

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K. Disposition and/or Release of Property²³

1. Final disposition of found, recovered, and evidentiary property shall be accomplished within six months after legal requirements have been satisfied.
2. The deputy, case investigator and/or Evidence Custodian shall make a reasonable effort to identify an owner of the property in custody.
3. Deputies recovering lost or abandoned property should make a reasonable attempt to locate the owner of such property before the end of his/her tour of duty and before relinquishing the property to the evidence function.
4. Deputies may remove evidence from storage, once it has been logged into agency records for court purposes and/or investigative purposes.
 - Deputies removing evidence for any purpose shall sign for the evidence and indicate the purpose for removal. If an item is being removed for any purpose other than laboratory testing or court purposes, the removal shall require the authorization of the Evidence Supervisor or Investigations Division Captain. At the time the item is removed, the deputy signing for it shall be provided with a deadline to have the item returned by. If an extension past the deadline is needed, the Evidence Supervisor shall verify that the item is still in the possession of the requesting deputy before approving the extension.²⁴
 - All evidence removed from storage shall be returned by the deputy removing the evidence. Once an item is taken to court, and entered into evidence, the chain of custody becomes the responsibility of that court. The Deputy will notify the Evidence Section any time that evidence items are retained by court staff.
5. The deputy that collects the evidence, or case investigator, has the ultimate responsibility for authorizing disposal of such evidence. In arrest cases, deputies are responsible for requesting court disposition of evidence items that are involved in their cases. In cases that do not reach judicial authority, the deputy may authorize disposition. A supplemental

²³ CALEA 84.1.1 g

²⁴ CALEA 84.1.4

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report must be written before the items are released. A copy of the supplement must be sent to the Evidence Custodian.

6. Following a judicial proceeding, the deputy should advise the Evidence Custodian of the disposition of any evidence. Often the evidence may be photographed and the pictures included in the case file.
7. Evidence shall be disposed of at periodic intervals depending on the type of case and whether or not judicial requirements have been satisfied. The evidence custodian shall periodically send deputies Disposition Forms when the retention of an item is in question.
8. Once cases for which evidence or property is stored at the Lancaster County Sheriff's Office reach disposition, the investigating deputy shall sign an "Evidence Disposition" form and submit the completed form to the evidence custodian. Evidence Disposition forms for all cases which fall under the Evidence Preservation Act, as defined in SC Code of Laws 17-28-320 will be reviewed and approved by the Evidence Supervisor or a member of the Command Staff. All firearm dispositions will be approved by the Evidence Supervisor. Prior to the destruction of any narcotics or guns seized during the investigation of any drug-related offenses, the supervisor over the Narcotics division must approve the destruction.

L. Inspections / Audits of Evidence

1. The supervising Lieutenant of the Evidence Section shall conduct inspections to determine adherence to the evidence and property control procedures. The inspection shall identify any deficiencies by the Evidence Custodian(s) and/or deficiencies of the deputies submitting evidence²⁵. The Sheriff shall order an announced audit of all property storage areas and records at least annually by a supervisor outside of the chain-of-command of the evidence function. The audit should be sufficient to ensure the integrity of the system and the accountability of the property²⁶.
2. When the Custodian of Evidence is assigned to and/or transferred from the position, a complete inventory of the Property Room shall be conducted jointly by the newly designated supervising Evidence Custodian, a supervisor designated by the Criminal Investigation Division Captain, and a member of the Administrative Staff²⁷.

²⁵ CALEA 84.1.6 a

²⁶ CALEA 84.1.6 c

²⁷ CALEA 84.1.6 b

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3. Unannounced inspections of the Property/Evidence storage areas may be conducted as directed by the Sheriff on at least an annual basis²⁸.

²⁸ CALEA 84.1.6 d



South Carolina Law Enforcement Division Sexual Assault Examination Protocol

Patient Information:

Name of Hospital: _____ Date: _____ Time admitted: _____

Patient Name: _____ Ethnicity: _____

Date of Birth: _____ Age: _____ Gender: M F Marital Status: _____

Parent or Guardian: _____ ☐ N/A

Law Enforcement:

Agency _____ Case Number: _____

Forensic Exam Requested: ☐ Yes ☐ No If no, describe reason: _____

Reporting Officer: _____ Time: _____

Investigator: _____ Time: _____

Advocacy: (if indicated)

Rape Crisis Advocate: _____ Time Notified: _____ Time of Arrival: _____

Other: _____ Time Notified: _____ Time of Arrival: _____

Interpreter: _____ ☐ N/A

Persons present during collection of history:

☐ Advocate ☐ Family ☐ Law Enforcement ☐ Other: _____

Persons present during medical exam:

☐ Advocate ☐ Family ☐ Other: _____

Pertinent Medical History:

LMP Date: _____ Normal? ☐ No ☐ Yes G _____ P _____

Are there any recent (60 days) anal-genital injuries, surgeries, diagnostic procedures or medical treatment that may affect the interpretation of current physical findings? ☐ Yes ☐ No

Describe: _____

Are there any other pertinent medical conditions or injuries that may affect the interpretation of current physical findings? ☐ No ☐ Yes

Describe: _____

Current medications: _____ ☐ None

South Carolina Law Enforcement Division
Sexual Assault Examination Protocol

Patient name: _____

Medical History (cont.):

Pre and post assault related history:

- Consensual intercourse within last 7 days? ☐ No ☐ Yes Date: _____
 - Oral ☐ No ☐ Yes
 - Vaginal ☐ No ☐ Yes
 - Anal ☐ No ☐ Yes
- If yes, was a condom used? ☐ No ☐ Yes
- Other contraception used? ☐ No ☐ Yes Describe: _____

Medications, Social Drugs or Alcohol:

Did patient ingest alcohol or drugs? ☐ No ☐ Yes ☐ UnsureIf yes: ☐ Voluntary ☐ Forced ☐ Coerced ☐ SuspectedIf yes: ☐ Alcohol ☐ Drugs Date: _____ Time: _____

Describe: _____

Any voluntary use of alcohol prior to assault? ☐ No ☐ YesAny voluntary use of drugs 96 hours prior to assault? ☐ No ☐ YesAny voluntary use of alcohol or drugs between time of assault and forensic exam? ☐ No ☐ Yes

Post assault hygiene/ activity:

	No	Yes	Describe:
Urinated	<input type="checkbox"/>	<input type="checkbox"/>	_____
Defecated	<input type="checkbox"/>	<input type="checkbox"/>	_____
Genital or body wipes	<input type="checkbox"/>	<input type="checkbox"/>	_____
Douched	<input type="checkbox"/>	<input type="checkbox"/>	_____
Removed tampon/diaphragm	<input type="checkbox"/>	<input type="checkbox"/>	_____
Brushed teeth	<input type="checkbox"/>	<input type="checkbox"/>	_____
Mouthwash	<input type="checkbox"/>	<input type="checkbox"/>	_____
Bath/shower/wash	<input type="checkbox"/>	<input type="checkbox"/>	_____
Ate or drank	<input type="checkbox"/>	<input type="checkbox"/>	_____
Vomited	<input type="checkbox"/>	<input type="checkbox"/>	_____
Changed	<input type="checkbox"/>	<input type="checkbox"/>	_____
Smoked	<input type="checkbox"/>	<input type="checkbox"/>	_____

Assault History:

Date of assault: _____ Time of assault: _____

Location of assault: _____

Were there any witnesses to the assault? ☐ No ☐ Yes - identify: _____

South Carolina Law Enforcement Division
Sexual Assault Examination Protocol

Patient name: _____

Patient's description of assault:

Assailant Name(s) (if known)	Age	Gender	Ethnicity	Relationship

Method(s) employed by assailant(s):	No	Yes	If yes, describe:
Weapons	<input type="checkbox"/>	<input type="checkbox"/>	
• Threatened	<input type="checkbox"/>	<input type="checkbox"/>	
• Injuries inflicted	<input type="checkbox"/>	<input type="checkbox"/>	
• Types of weapons	<input type="checkbox"/>	<input type="checkbox"/>	
Physical blows	<input type="checkbox"/>	<input type="checkbox"/>	
Grabbing/holding/pinching	<input type="checkbox"/>	<input type="checkbox"/>	
Physical restraints	<input type="checkbox"/>	<input type="checkbox"/>	
Strangulation	<input type="checkbox"/>	<input type="checkbox"/>	
Burns	<input type="checkbox"/>	<input type="checkbox"/>	
Verbal threats of harm	<input type="checkbox"/>	<input type="checkbox"/>	
Other methods			

Were any injuries inflicted upon the assailant during the assault? ☐ No ☐ Yes

If yes, describe: _____

If yes: Time: _____ Date: _____



South Carolina Law Enforcement Division
Sexual Assault Examination Protocol

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Patient name: _____

Is assailant known to:

- Have an STD? ☐ No ☐ Yes If yes, describe: _____
- Have had a vasectomy? ☐ No ☐ Yes
- Have used alcohol or drugs? ☐ No ☐ Yes ☐ Unsure
 - If yes: ☐ Alcohol ☐ Drugs Describe: _____

Description of contact between victim and assailant:

Penetration of vagina by:	No	Yes	Attempted	Unsure	Describe
Penis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Finger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Object	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Penetration of anus by:	No	Yes	Attempted	Unsure	Describe
Penis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Finger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Object	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Oral copulation of genitals:	No	Yes	Attempted	Unsure	Describe
Of patient	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Of assailant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Non-genital acts:	No	Yes	Attempted	Unsure	Describe
Licking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Kissing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Suction injury	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Biting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Fondling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Other acts:	No	Yes	Attempted	Unsure	Describe
Masturbation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Photographs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

South Carolina Law Enforcement Division
Sexual Assault Examination Protocol

Patient name: _____

Contraception or lubricant used:	No	Yes	Attempted	Unsure	Describe
Foam used	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Jelly used	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Lubricant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Condom used	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Ejaculation occurred in or on the following:	No	Yes	Attempted	Unsure	Describe
Mouth	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Vagina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Anus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Clothing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Bedding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

General Physical Examination:Describe general physical appearance: _____

_____Describe general demeanor: ☐ Quiet ☐ Anxious
☐ Tearful ☐ Angry
☐ Trembling ☐ Controlled
☐ Sobbing ☐ TenseResponds to questions: ☐ Briefly ☐ Reluctantly ☐ ReadilyEye contact: ☐ Good ☐ PoorDescribe demeanor: _____

_____Is patient complaining of non-genital injury, pain and/or bleeding? ☐ No ☐ Yes

If yes, describe: _____

Is patient complaining of anal-genital injury, pain and/or bleeding? ☐ No ☐ Yes

If yes, describe: _____

South Carolina Law Enforcement Division
Sexual Assault Examination Protocol

Patient name: _____

Genital Examination - Female:

- Exam position used: ☐ Supine ☐ Lithotomy ☐ Lateral ☐ Knee-chest
- Exam methods for genital examination: ☐ Water lubricated speculum
☐ Foley catheter
☐ Toluidine Blue Dye
☐ Colposcope
- UV light (Woods light): ☐ Positive ☐ Negative ☐ N/A **indicate location on diagram on page 7*

Genital Examination - Male:

- Circumcised? ☐ Yes ☐ No
- Exam position used: ☐ Supine ☐ Lithotomy ☐ Lateral ☐ Other (describe) _____
- Exam methods for genital examination: ☐ Toluidine Blue Dye ☐ Colposcope ☐ UV light

Strangulation Assessment*: ☐ NA **Note patient history*

- Object used on neck: ☐ One hand ☐ Two hands ☐ Forearm ☐ Other _____
- Location of assailant: ☐ In front of victim ☐ Behind victim
- How long was the patient strangled? _____ How many times? _____
- Any loss of consciousness? ☐ Yes ☐ No
- Throat hoarseness? ☐ Yes ☐ No
- Voice at time of exam _____

Drug Facilitated Sexual Assault Assessment*: ☐ NA **Note patient history*

- Orientation: ☐ Oriented x 3 ☐ Disoriented; Describe: _____
- Ability to recall events: ☐ Well ☐ No memory ☐ Lapses of memory
- Patient Statement: _____
- Patient's speech: ☐ Clear ☐ Garbled ☐ Slow
- Patient's gait: ☐ Steady ☐ Unsteady; Describe: _____
- History of nausea: ☐ Yes ☐ No Vomiting: ☐ Yes ☐ No How many times? _____
- Other concerning symptoms or assessments: _____

Lab tests performed:

- Pregnancy ☐ Positive ☐ Negative ☐ N/A
- ☐ Wet prep/KOH prep ☐ Gonorrhea Culture – site: _____
- ☐ Chlamydia Culture - site: _____ ☐ RPR, syphilis
- ☐ Urinalysis ☐ HIV
- ☐ Other _____

Radiological studies: _____

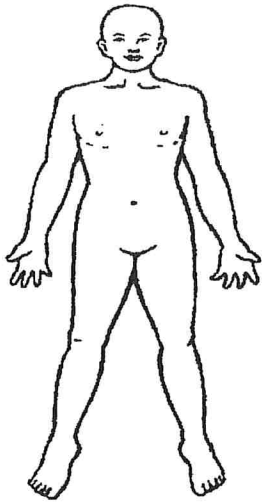
Consult: _____

Surgical procedure required: ☐ No ☐ Yes, describe _____

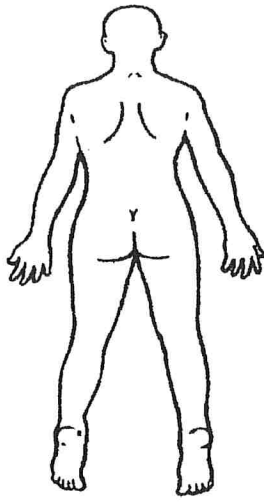


Patient name: _____

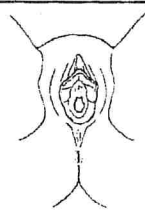
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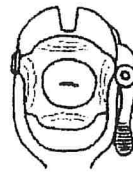
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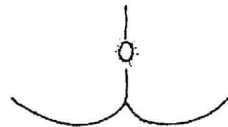
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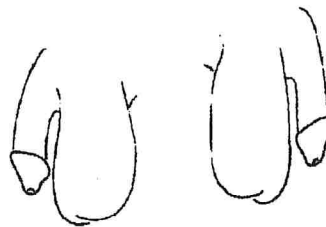
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J



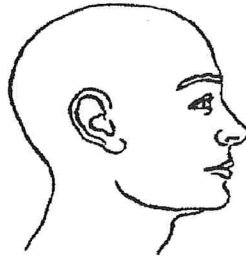
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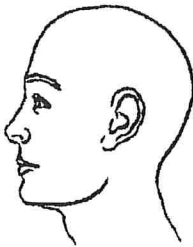
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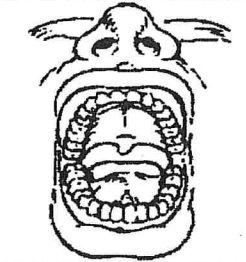
D



E



F



Location #	Description	Location #	Description



South Carolina Law Enforcement Division
Sexual Assault Examination Protocol

Patient name: _____

Evidence Collected:

Clothing collected – describe below ☐ N/A ☐ Changed Clothes ☐ Bathed

- ☐ Shirt _____
☐ Pants _____
☐ Underwear/Panties _____
☐ Bra _____
☐ Jacket _____
☐ Belt _____
☐ Shoes _____
☐ Other _____
☐ Debris sheet (from kit) _____

DNA Evidence Collected:

	No	Yes	Describe
Miscellaneous Collection	<input type="checkbox"/>	<input type="checkbox"/>	_____
Suspected Saliva (Lick/Kiss/Suck/Bite Marks)	<input type="checkbox"/>	<input type="checkbox"/>	_____
Oral swabs	<input type="checkbox"/>	<input type="checkbox"/>	_____
Fingernail scrapings/cuttings	<input type="checkbox"/>	<input type="checkbox"/>	_____
Known DNA buccal swab (<i>required</i>)	<input type="checkbox"/>	<input type="checkbox"/>	_____
Combed pubic hairs	<input type="checkbox"/>	<input type="checkbox"/>	_____
Vaginal swabs	<input type="checkbox"/>	<input type="checkbox"/>	_____
Rectal swabs	<input type="checkbox"/>	<input type="checkbox"/>	_____
Suspected body fluid	<input type="checkbox"/>	<input type="checkbox"/>	_____

Toxicology Evidence Collected:

Blood/gray top tube	<input type="checkbox"/>	<input type="checkbox"/>	_____
Urine	<input type="checkbox"/>	<input type="checkbox"/>	_____
Vomit	<input type="checkbox"/>	<input type="checkbox"/>	_____
Other	<input type="checkbox"/>	<input type="checkbox"/>	_____

Photographs ☐ ☐ Number of photographs taken _____

Medications administered:

☐ Gonorrhea prophylaxis: _____ ☐ N/A ☐ Chlamydia prophylaxis: _____ ☐ N/A
☐ Pregnancy prevention: _____ ☐ N/A ☐ Tetanus toxoid : _____ ☐ N/A
☐ Other: _____

Discharge Information:

Time: _____ Discharged to: _____

Accompanied by: _____

Admitted to hospital: ☐ No ☐ Yes Room Number: _____ Admitting MD: _____

Consults: ☐ N/A ☐ Yes _____

Follow-up:

Medical: _____ Date: _____

Counselor: _____ Date: _____

Signature of Examiner: _____ Are you a SANE? ☐ yes ☐ no

Signature of Officer Receiving Evidence: _____ Date: _____ Time: _____

Name of Officer: _____ / _____ Agency: _____
(PRINTED) (SIGNATURE)



LANCASTER COUNTY SHERIFF'S OFFICE POLICIES AND PROCEDURES

Subject CRIMINAL INVESTIGATIONS	Date 03/01/2011	Section No. 400	Page No. 1 of 11
Amends Section No. 400 Dated 04/15/2010	Rescinds	Re-evaluation Date	
Reviewed 05/10/2016		07/01/2017	

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE A CONTRACT BETWEEN THE EMPLOYEE AND THE LANCASTER COUNTY SHERIFF'S OFFICE. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THE FOLLOWING PARAGRAPHS CREATE ANY CONTRACTUAL RIGHTS.

I. PURPOSE

The purpose of this policy is to establish the function of criminal investigations and to provide guidelines for the clearance of cases and the maintenance of case files.

II. POLICY

The investigation of criminal offenses is essential to the accomplishment of the law enforcement mission. It is the policy of the Lancaster County Sheriff's Office to investigate all significant criminal offenses and make every effort to bring about a successful conclusion to the cases.

III. PROCEDURE

A. Investigators

Deputies assigned as investigators may be of any rank and may be selected based on their skill, knowledge, ability, training and other traits necessary to carry out the responsibilities of the position.

1. Deputies shall be available to respond on a 24-hour basis. An "on-call" duty roster for investigators shall be published regularly.
2. While certain investigators shall be "on call", all deputy sheriffs are subject to call-out, should an emergency develop.

B. Preliminary Investigations

Preliminary investigation of most offenses shall be the responsibility of the deputy dispatched to the scene, unless and until such time as relieved by a supervisor or investigator.

POLICIES AND PROCEDURES

Subject CRIMINAL INVESTIGATIONS	Date 03/01/2011	Section No. 400	Page No. 2 of 11
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1. A supervisor shall authorize and contact an investigator whenever, in the opinion of a supervisor, an investigator's services are required, but always in cases of suicide or suspicious death, or other serious crime needing the immediate attention of an investigator.
2. The preliminary investigation begins immediately upon the arrival of a deputy to an incident scene or upon the taking of a report. One of the main goals of the preliminary investigation is to identify leads or clues, as to the identity of the offender and to locate and preserve evidence.
3. The deputy charged with the preliminary investigation shall attempt to discover any of the solvability factors present in section (D) of this procedure and any other pertinent information by following the steps listed below:
 - Observe all conditions, events and maintain the integrity of the crime scene to ensure that evidence is protected and not lost or contaminated¹.
 - Locate and obtain complete identification of any witnesses².
 - Maintain the crime scene and arrange for the collection of evidence. Access to the crime scene shall be restricted to those deputies involved in processing the crime scene and medical/emergency personnel³.
 - Interview the complainant, victim(s), witness(s), and/or suspect(s) to determine what information is known, and obtain written statements from each for later review⁴.
4. All Identity Theft crimes shall be reported on an incident report and forwarded to investigations. An incident report is critical in helping victims get rid of fraudulent debts and clear up their credit reports. Deputies shall provide information and assistance to identity theft victims and coordinate with other agencies as needed.

C. Follow-Up Investigations

The purpose of the follow-up investigation is to discover additional information in order to clear a case, identify and arrest an offender, recover stolen property, and/or to gather additional evidence to present in a judicial proceeding. Generally, follow-up investigations shall be conducted by the investigative component. Incidents of a less serious nature may be assigned for follow-up to a Deputy in that district. The following measures may be used as a standard in conducting a follow-up investigation:

¹ CALEA 42.2.1 a

² CALEA 42.2.1 b

³ CALEA 42.2.1 c

⁴ CALEA 42.2.1 d

POLICIES AND PROCEDURES

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1. Review and analyze all previous reports prepared in the preliminary phase, checking records for other reports of like nature, or with the same subject, and reviewing laboratory examinations;
2. Conduct additional follow-up inquiries, interviews and interrogations of victims, witnesses, responding deputies and/or suspects;
3. Seek additional information through interviews (of uniformed deputies, informants, etc.);
4. Plan, organize and conduct searches, and collecting physical evidence. Searches may not be required in all cases. The Deputy, Investigator or Crime Scene Investigator is responsible for the collection and processing of the crime scene or requesting assistance from another agency;
5. Identify and apprehend suspects to include the use of physical and/or photo lineups;
6. Determine involvement of suspects in other crimes of a similar nature;
7. Check suspect's criminal history;
8. Prepare cases for court presentation; and
9. Making a "second contact" with persons involved in a case requiring follow-up investigations or which have been closed.

D. Solvability Factors⁵

A solvability factor is information about a crime that can provide the basis for determining who committed that crime. Law enforcement experience has shown that when a preliminary investigation or second contact fails to disclose one or more of these solvability factors, the case will have very little chance of being solved. The following are solvability factors that may be used to assign cases for follow-up. If none of these factors exist, a follow-up investigation may not be required and the case may be administratively closed. The solvability factors include:

1. The suspect can be named.
2. The suspect can be identified.
3. The address of the suspect is known.

⁵ CALEA 42.2.1a

POLICIES AND PROCEDURES

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4. There is likelihood that the suspect can be located.
5. The vehicle's license plate number used in the crime is known.
6. There is likelihood that the vehicle used in the offense can be identified or located.
7. There was traceable property (by serial number or uniqueness of the property) taken in the offense.
8. There exists an identifiable latent fingerprint to be submitted for attempted match through AFIS.
9. There exists other types of physical evidence which may reasonably lead to the identification of a suspect.
10. A significant modus operandi can be developed or a distinctive pattern of similar crimes exists in the same general location or during the same time period.
11. It is reasonably suspected that there was limited opportunity to commit the crime.
12. There is reason to believe that the crime may arouse such public interest that public assistance may lead to the crime solution.
13. There are reasons to believe that further investigative efforts shall lead to the solving of the crime.

E. Case Assignment

1. The Detective Division Captain or the Division Lieutenant shall review all incident reports daily and assign cases appropriate for follow-up investigation to either an investigator or a patrol deputy.
2. Cases may be assigned to patrol deputies for incidents that have occurred in his/her district. Crimes that may be appropriate for patrol deputy investigation include the following:
 - Larcenies in which the total loss of cash or property is less than \$1,000, including larcenies from vehicles.
 - Vandalism in which the total damage or destruction is less than \$5,000;
 - Simple assaults and criminal domestic violence cases not involving aggravated or sexual assault, and in which no arrests have been made;

POLICIES AND PROCEDURES

Subject CRIMINAL INVESTIGATIONS	Date 03/01/2011	Section No. 400	Page No. 5 of 11
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- Civil disturbance cases not involving aggravated assault or other serious crimes, and in which no arrests have been made; and/or
 - Attempted burglaries.
 - Reports of Trespassing.
3. The Sheriff can direct that any case be assigned for investigation, regardless of solvability factors.

F. Case File Management

1. A computerized log shall be maintained which shall contain the case number, the deputy assigned to complete the follow-up investigation, and the current status of all cases in the calendar year. Supervisors shall review all open cases monthly to determine if the case should remain open, or “administratively closed” pending further developments⁶.
2. All cases that have any one or more solvability factors should require a follow-up investigation. The assigned investigator shall conduct a follow-up investigation with the principals involved in the case.
3. An administrative designation of “active”, “administratively (admin) closed”, “cleared by arrest”, “exceptionally cleared”, or “unfounded” shall be assigned to each case, as appropriate, to assist in case management and control⁷.
 - **Active** - (open) - indicates that the case is assigned to a deputy and investigative efforts are active and ongoing.
 - **Cleared by Arrest** - (closed) - indicates the case has been cleared by the arrest of at least one offender.
 - **Exceptionally Cleared** - (closed) - indicates the case has been cleared due to the death of the offender, no prosecution, extradition denied, victim declines to cooperate or juvenile - no custody.
 - **Unfounded** - indicates that the alleged offense did not occur.
4. If there are no solvability factors in the preliminary investigation of the case, the case may immediately be taken from an “active” status and placed in the “administratively closed” status. This may be done until investigative leads are developed or other information leading to a possible solution of the crime surfaces.
5. The investigating deputy shall ensure that items relating to a case are placed in the case file for all assigned cases. The types of records to be maintained in the case file may include the incident report, investigator notes and reports,

⁶ CALEA 42.1.3 a

⁷ CALEA 42.1.3 b

POLICIES AND PROCEDURES

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statements, copies of warrants, photos, lab reports and other related papers/documents⁸. Items will be scanned into RMS and attached to the case. Originals will then be transferred to Records for inclusion in the hard copy of the case file.

6. All investigative case files shall be secured in Records and be accessible on a legitimate need to know basis.⁹ Case files may be purged in accordance with established record retention procedures¹⁰.
8. General Sessions case files will be turned in to the Administrative Assistant of the Investigations Unit by the due date assigned.

G. Clearing or Suspending an Investigation

An investigator may decide to suspend investigative efforts when any of the following occur:

1. Case is Cleared by Arrest when an offender is arrested, charged with a pertinent offense and measures have been taken to recover all property for which the location is known.
2. Case is Cleared Unfounded when investigation shows that an offense did not occur and there are sufficient grounds to support this decision.
3. Case is Exceptionally Cleared whenever, due to exigent circumstances beyond the investigator's control, the identity of the perpetrator is known and prosecution is not possible. In order to qualify for an exceptional clearance, all of the following facts must be present:
 - the investigation has established the identity of the offender;
 - there is enough evidence to support an arrest, charge and turning over to the court for prosecution;
 - the exact location of the offender is known so that he/she could be taken into custody; **AND**
 - There is some reason outside police control that prevents the arresting, charging and prosecuting the offender, i.e., death of offender, extradition is denied, victim refuses to cooperate, solicitor's office/court decides not to prosecute.

⁸ CALEA 42.1.3 c

⁹ CALEA 42.1.3 d

¹⁰ CALEA 42.1.3 e

POLICIES AND PROCEDURES

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4. Cases are Administratively Closed when it appears that all investigative leads have been exhausted and there is little or no chance of solving the case. Cases administratively closed may be reopened whenever new evidence becomes known, further leads to possibly solving the case are discovered, or by direction of a supervisor.
5. Regardless of the outcome of an investigation, all documentation (i.e. statements, search warrants, photographs, signed forms, etc.) shall be scanned and imported into RMS. All original documents shall be submitted to Records for filing.

H. Conducting Background Investigations

1. Background investigations shall be limited to those ongoing criminal cases under investigation, unless otherwise directed.
2. All information obtained in a criminal background investigation shall be used for its legally intended purpose. If the information is not crucial to the development of a case, it shall be destroyed. If the information is required to support the case, it shall be inserted into the case file.
3. Records involving background investigations, which are not immediately destroyed, should not be released or distributed except, as directed by a supervisor.
4. There are many sources available when conducting criminal background investigations. Potential sources include, but are not limited to financial institutions, business associates, former employers or employees, informants, utility companies, public records, intelligence reports, criminal histories, and information from other law enforcement agencies.
5. All records concerning background investigations shall be purged from files when they no longer meet their intended purpose.

I. Information Development

1. The purpose of gathering information in a criminal investigation is to identify, locate, apprehend and prosecute the perpetrator.
2. Information development is crucial to the criminal investigative process and information may be developed from many legal sources. These sources may include:

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- Reviewing and analyzing deputy reports from the preliminary investigation, laboratory examinations, etc.;
- Checking LCSO files, incident reports and other public records;
- Checking precious metal listings, pawn shops and other places where stolen property may be sold;
- Seeking information from persons who may know the subject;
- Investigating the activities of persons who, by reason of their past, may be considered suspect; or
- Plan a formal investigative action, such as a door-to-door canvass or extended search of the crime scene aimed at discovering additional physical evidence; and
- Conduct surveillance on a particular person or target location.

J. Interviews and Interrogations

Interviews and interrogations shall be conducted in accordance with current court decisions to protect the Constitutional rights of an individual. Interviews may be conducted with victims, witnesses, and any other person that may have knowledge about any aspect of the offense. Interrogations may be used for suspects and those persons who are directly involved in a criminal investigation.

K. Collection, Preservation and Use of Physical Evidence

1. Except where there is a need to render aid to the injured or to arrest a suspect, an actual crime scene should not be disturbed until it can be properly processed. Caution must be exercised to prevent disturbing or destroying any evidence. All unauthorized persons, including deputies not assigned to the case, must be barred from the scene until all evidence is located, identified, and preserved. Items of physical evidence that are or may be of value in court prosecution must be properly collected, documented, and preserved until it can be analyzed.
2. Physical evidence may be collected and preserved when investigating any crime scene in accordance with the LCSO "Collection, Preservation and Storage of Evidence" policy.

L. Surveillance

1. Surveillance is the covert observation of places, persons and vehicles for the purpose of obtaining information concerning the identities and/or activities of subjects involved in criminal activities. Generally, the purpose of surveillance is to:
 - Detect and deter criminal activities;
 - Discover the identity of persons who frequent an area and determine their relationship when they are involved in criminal activity;

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- Discover the identity of persons who live in or frequent the place where criminal activity is reasonably suspected; and/or
 - To obtain evidence of a crime or to provide a basis for obtaining a search warrant.
2. All surveillance activities, whether conducted solely by LCSO, or jointly with other agencies, must be directly related to suspected criminal activity, and must be conducted in a lawful manner and in accordance with the procedures of this agency. See Policy 422 Planned Investigations.

M. Habitual/Serious Offenders

1. An investigator is responsible for reviewing assigned cases to determine if a habitual/serious offender is involved in the incident. Once a habitual offender is identified, the investigating deputy should check all LCSO records and NCIC criminal history records to determine all cases in which the offender may be a party.
2. The appropriate solicitor's office and/or federal authority should be advised so as to enhance any prosecution of any habitual offender. The solicitor's office is the final authority in deciding who shall be prosecuted as a habitual or serious offender.
3. Habitual/Serious offenders may be certain individuals who have several prior felony convictions and/or have several prior convictions for offenses involving firearms.

N. Information Dissemination

1. Investigators shall maintain an open line of communication between themselves and the patrol deputies. Dissemination of information about a crime often leads to the identity and apprehension of a subject.
2. Investigators shall disseminate information on warrants obtained for suspects by the use of "BOLO" or "Wanted" flyers, email messages or other types of communication.
3. Any dissemination to the public shall be coordinated with the CID Captain.

O. Investigative Task Forces

1. The purpose of an investigative task force is to investigate criminal activity within or outside the Lancaster County area. The task force may involve only LCSO deputies, or may be a mutual effort with another law enforcement agency.

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2. Any deputy participating in an investigative task force must have the prior approval of the Sheriff.
3. All resources needed for the task force shall be identified. Required resources may include manpower, vehicles, equipment, special investigative equipment, and/or any weapons not issued by LCSO.
4. A specific coordinator for the task force, to exercise authority during its operation, shall be designated. The coordinator shall be accountable for the operation of the unit.
5. The coordinator shall present periodic reports, through the chain of command, to the Sheriff. The Sheriff shall evaluate the results of the task force and evaluate whether or not it should be continued.
6. If a deputy is part of a multi-jurisdictional task force outside of Lancaster County, a written agreement must be executed, pursuant to South Carolina State Law. The Staff Attorney shall review any written agreements.

P. Use of Polygraphs

1. The investigator may require the use of the polygraph to eliminate suspects or to verify a statement made by a witness or victim in an on-going criminal investigation.
2. When applying the polygraph to a suspect, the suspect's rights must be observed and a voluntary waiver obtained from the suspect.
3. Polygraph examinations may only be administered by an approved Lancaster County Sheriff's Office polygraph examiner, SLED polygraph examiner or other licensed polygraph examiner.
4. It should be noted the polygraph is only an investigative tool and standing alone is not proof positive of truth or deception.
5. The investigating officer shall contact his/her respective chain of command for polygraph approval. The Support Services Lieutenant shall then be contacted to schedule an appointment with the Polygraphist.
6. Responsibilities of the Investigator are as follows:
 - Contact the person to be tested to confirm the appointment a day prior to the examination;
 - Advise the person taking the polygraph examination that the test usually lasts two to three hours;

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- Ensure that persons with physical/mental problems have obtained a letter from their physician stating that they are able to take the polygraph test. Investigators must ensure that letters are authentic, on the physician's stationary and turned into the Polygraphist prior to testing;
- Ensure that juveniles have parental consent. A parent or legal guardian must accompany the juvenile to the examination and sign a consent form in the presence of the Polygraphist;
- Confer with the Polygraphist at least fifteen minutes prior to the appointment to formulate questions relative to the event and bring the case folder to this conference. The Polygraphist may request copies of the report or statements. Do not wait until the person to be tested comes in, as often they are late;
- Be immediately available during the polygraph examination in the event that a subject confesses, additional information is needed by the polygraphist, and to maintain security of arrested persons; and
- Notify the Polygraphist if a subject to be tested cancels their appointments.

Note: See policy number 425 Polygraph Examinations for further instruction.



LANCASTER COUNTY SHERIFF'S OFFICE POLICIES AND PROCEDURES

Subject VICTIM/WITNESS ASSISTANCE	Date 11/17/2009	Section No. 829	Page No. 1 of 6
Amends Section No. 829 Dated 01/05/2009	Rescinds	Re-evaluation Date	
Reviewed 05/10/2016		07/01/2017	

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE A CONTRACT BETWEEN THE EMPLOYEE AND THE LANCASTER COUNTY SHERIFF'S OFFICE. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THE FOLLOWING PARAGRAPHS CREATE ANY CONTRACTUAL RIGHTS.

I. PURPOSE

To establish policy and procedure for the Lancaster County Sheriff's Office to ensure the rights of victims and witnesses of crime; and to provide assistance, referral, support, and other help to victims and witnesses who are physically, financially, or emotionally harmed by crime. Victims and witnesses will be treated with dignity, fairness, and compassion.

II. POLICY

The Lancaster County Sheriff's Office is committed to the development, implementation, and continuation of victim/witness assistance programs. The Law Enforcement Victim Advocate(s) (LEVAs) will coordinate victim/witness services for the Sheriff's Office.

III. PROCEDURES

A. Bill of Rights

The South Carolina Victims' Bill of Rights is contained in Article I – Declaration of Rights, Section 24, of the Constitution of South Carolina. These rights are also listed in the South Carolina Code of Law, Title 16, Article 15 and the Lancaster County Sheriff's Office Victims' Rights Information Form.

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B. Responsibilities of LEVAS

The primary responsibilities of the LEVAs are:

- To provide assistance to victims/witnesses to help reduce the trauma and hardships that follow victimization and expedite their recovery;
- To ensure the LCSO employees know and observe the rights of victims/witnesses;
- To ensure that victim/witness' legal rights are protected;
- Provide applications and information to victims concerning South Carolina Crime Victims Compensation; explain purpose, procedures and policies, and assist in completion of forms;
- Upon request, may intervene on behalf of victims with creditors, employers, etc.
- To assist victims with preparing for court hearings by:
 - Explaining court procedures
 - Explaining proper testimony etiquette
 - Assisting victim with obtaining evidence to use in court (i.e. 911 tapes, phone records, subpoenas, IR's)
- Emergency referrals for:
 - Basic needs
 - Financial assistance
 - Legal assistance
 - Medical assistance
 - Shelters and safe houses
 - Counseling
 - Crisis Hotline
 - Transportation
 - Court accompaniment
 - Telephone Safety Program

C. Confidentiality

The confidentiality of the identity of victims/witnesses and their role(s) in case development will be maintained in accordance with state law. Victim/witness assistance records are confidential and will not be released EXCEPT with the approval of the Sheriff or his designee and in accordance with the Freedom of Information Act.

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D. Media

The LCSO will inform the media and the public about its LEVA program. The Victim Rights brochure will be given to all victims of crimes against a person and property crimes valued over \$1000 in accordance with Title 16, Article 15 of SC Law. The Victim Assistance brochure will be available to the public at the LCSO. The LEVAs are available to speak to local civic groups upon request.

E. Interagency Coordination

The LEVAs will maintain relationships with other criminal justice agencies, government and non-government agencies, chaplains, and organizations concerned with victim/witness needs and rights. The LEVAs will also use various methods to inform the public and the media of victim services.

F. Availability of Services

The LEVAs or a designated substitute will provide services 7 days a week, 24 hours a day. If the LEVA is called out to assist a victim/witness during the preliminary investigation, the LEVA shall respond to the designated location no later than 30 minutes from the call-out or notify Dispatch of the delay.

Regular duty hours will be established based on the need for service.

G. Protection from Intimidation/Harm

1. The LCSO will provide appropriate assistance to victims/witnesses who have been threatened or who express a specific, credible reason for fearing intimidation or further victimization.
2. If the LCSO becomes aware of potential danger to a victim/witness the LEVA will notify the victim/witness of the danger and may provide assistance, if requested.
3. If the LCSO becomes aware of potential danger to a victim/witness in another jurisdiction, the LEVA will notify a law enforcement agency in that jurisdiction and request the appropriate notification and assistance.

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H. Services Provided During Preliminary Investigation

1. Officers will provide the victim/witness with a copy of the Victims' Rights form involving **ALL** crimes against a person and property crimes with a value of \$1000 or more, which is designed to provide the victim with the following information during the preliminary investigation:
 - a. The constitutional rights of victims and victims' responsibilities in exercising these rights.
 - b. Information about available services.
 - c. Phone numbers of other agencies where additional assistance may be obtained, including the phone number for the SC Crime Victim Ombudsman.

Note: Businesses are not considered "victims" under the Victim's Bill of Rights Act.

2. Officers will provide the victim/witness with case numbers and inform them that copies of incident reports will be provided to them without charge.
3. Officers will explain the subsequent steps in the process of the case.
4. Officers will tell the victim/witness about what to do if the subject or someone on his/her behalf threatens or otherwise intimidates him/her.
5. Officers will provide a telephone number that the victim/witness may call to report additional information about the incident and obtain the status of the case.
6. The LEVA may assist officers in the provision of services during preliminary investigation, especially when the case is serious or especially traumatic.

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I. Follow up Services to Victims / Witnesses

The LEVA will make a good faith effort to provide the following services to victims/witnesses during the follow-up investigation:

- If the victim/witness has been unusually traumatized by the crime, recontacting the victim/witness periodically to ensure that needs are being met;
- Explaining the procedures involved in the prosecution of their cases and the victim/witness' role(s) in those procedures;
- Scheduling lineups, interviews, and other required appearances at the convenience of the victim/witness and, if necessary, providing transportation; and
- Ensuring that victim/witness property taken as evidence is properly returned.

J. Assistance Following Arrest

The LCSO will provide assistance to victims/witnesses upon the arrest of a suspect and during the post arrest processing of the suspect to include but not limited to the following:

- Notification of the victim/witnesses of the arrest, charges, and custody status of the suspect;
- Notification of the time and place of the bond hearing;
- Contact with the victim/witness on an as-needed basis, especially if the victim/witness has a history of victimization by a perpetrator and there is a risk of further victimization; and
- Coordinate lineups, interviews, and other appearance and facilitate transportation, if necessary.
-

If the suspect is arrested at the time the incident report is filed, the yellow copy of the victim's form shall accompany a copy of the incident report and shall be forwarded to the Detention Center Personnel. The white copy of the Victim's form shall be submitted with the original incident report and forwarded to the Records Division. If the person is not arrested at the time the report is filed, the white and yellow copies of the victim's form must be attached to the original incident report and forwarded to the Records Division.

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K. Next of Kin Notification¹

1. The LEVA may assist the on-duty supervisor with notifying the next of kin in the event of a serious injury, illness, or death. Notification will never be made by telephone if the relative(s) can be found in the LCSO service area.
2. When notification involves relatives in another jurisdiction, the supervisor or LEVA will contact a law enforcement agency in that jurisdiction and request that notification is made.
3. When persons arrive at a hospital facility dead on arrival, notification of the next of kin will be the responsibility of the coroner. If the coroner is unavailable, the on-duty supervisor or the LEVA may assume responsibility for notification following the guidelines outlined in this policy.
4. When patients arrive at a hospital facility and are unconscious or unresponsive, are minors, or the hospital staff have not made notification prior to the report to the LCSO, the patrol supervisor or the LEVA will be responsible for notification under the direction of the attending physician.
5. Notifications made in accordance with this policy should be made in a prompt and considerate manner. These situations call for the utmost professionalism. Whenever possible, employees should obtain assistance from clergy, relatives or close friends of the person being notified.

¹ CALEA 55.2.6